


Entered - 12/26/02 - sb
CL02L0930 - DIANNE C. MITCHELL

04- *R*-1180

CLAIM OF: **MELVIN AND JASON HEATH AND
MARILYN HARRIS**, parent of the Heaths,
through their attorney,
D. Lowell Thomas
1745 Martin Luther King, Jr. Drive
Atlanta, Georgia 30314

For damages alleged to have been sustained as a result of a wrongful
arrest on July 14, 2002 at 3215 Peachtree Road, NE.

THIS ADVERSE REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 6/29/04

CHAIR: H. L. Smith

Vernell Mosley

Mary Greenwood

C. T. Alab

Henry Smith

Carla Smith

COUNCIL PRESIDENT PROTEM

JUL 06 2004

CERTIFIED

JUL 03 2004

Ronald D. Smith
MUNICIPAL CLERK



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

July 20, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

D. Lowell Thomas
Attorney at Law
1745 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30314

04-R-1180

RE: Melvin & Jason Heath & Marilyn
Harris, parent of the Heaths

Dear Attorney Thomas:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on July 06, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0930

Date: June 17, 2004

Claimant /Victim MELVIN AND JASON HEATH AND MARILYN HARRIS, parent of the Heaths
BY: (Atty) D. Lowell Thomas
Address: 1745 Martin Luther King, Jr. Drive, Atlanta, Georgia 30314
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated
Date of Notice: 12/19/02 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 07/14/02 Place: 3215 Peachtree Road, NE
Department Police Bureau:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimants allege that they were wrongfully arrested at the above location. The City is immune from liability for the alleged tortuous actions of its police officers as set forth in O.C.G.A. §§36-33-1 & 36-33-3.

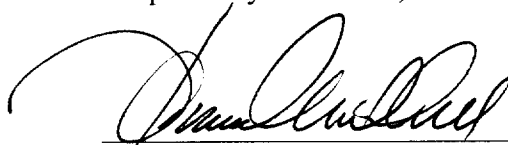
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01
Claims Manager: Concur/date 06/16/04
Committee Action: Council Action

RCS# 5880
7/06/04
3:18 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-9, EXCEPT:04-R-1187
04-R-1179 04-R-1143 03-O-1690
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Winslow	Y Shook	Y Martin	Y Mitchell
Y Starnes	Y Archibong	NV Muller	Y Maddox	Y Norwood
NV Young	Y Fauver	Y Moore	Y Mosley	Y Willis

CONSENT I

7-06-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1036 2. 04-O-1037 3. 04-O-1038 4. 04-O-1039 5. 04-O-1040 6. 04-O-1041 7. 04-O-1042 8. 04-O-1196 9. 04-O-1013 10. 04-O-1014 11. 04-O-1050 12. 04-O-1054 13. 04-O-1055 14. 04-O-1058 15. 04-R-1152 16. 04-R-1153 17. 04-R-1158 18. 04-R-1193 19. 04-R-1155 20. 04-R-1149 21. 04-R-1150 22. 04-R-1033 23. 04-R-1146 24. 04-R-1148 25. 04-R-1159 26. 04-R-1160 27. 04-R-1161 28. 04-R-1187 29. 04-R-1188 30. 04-R-1189 31. 04-R-1190 32. 04-R-1191 33. 04-R-1192	34. 04-R-1163 35. 04-R-1164 36. 04-R-1165 37. 04-R-1166 38. 04-R-1167 39. 04-R-1168 40. 04-R-1169 41. 04-R-1170 42. 04-R-1171 43. 04-R-1173 44. 04-R-1174 45. 04-R-1175 46. 04-R-1176 47. 04-R-1177 48. 04-R-1179 49. 04-R-1180 50. 04-R-1181 51. 04-R-1182 52. 04-R-1183 53. 04-R-1184 54. 04-R-1185 55. 04-R-1186